

April 9, 2012

Ms. Sara Bardin
 Director, Office of Zoning
 441-4th Street, N.W. - Suite 200/210-S
 Washington, D.C. 20001

RECEIVED
 D.C. OFFICE OF ZONING
 2012 APR -9 PM 12:13

**Re: Response to Applicant's BAFO - Zoning Commission Case No. 10-28
 (901 Monroe Street, LLC, Square 3829)**

Dear Ms. Bardin:

This letter constitutes the response (due 3 PM on 4/9/12) of the "200-Footers Group" Party to the Applicant's April 2, 2012 Best and Final Offer (BAFO) in Zoning Commission Case No. 10-28 (901 Monroe Street, LLC – Consolidated PUD & Related Map Amendment, Lots 3, 4, 11, 22, & 820, Square 3829).

Before presenting our detailed comments, we want to summarize for the Commission the only non-project-specific amenities which directly benefit the 200-Footers, including Order Conditions: #3 infrastructure improvements in the rest of Square 3829 (replaced sidewalks, curbs, and gutters and repaved North-South alley), #4 funds for improvements to benefit each of the 6 remaining rowhouses in Square 3829, and #5 security cameras to additionally monitor the rest of Square 3829. The Preliminary Decision may violate the amenities protection in the Comprehensive Plan Amendment Act of 2006, stating "Location of PUD Amenities. Require that a substantial part of the amenities proposed in Planned Unit Developments (PUDs) shall accrue to the community in which the PUD would have an impact" (DC Law 16-300, Policy IM-1.18, §2502.12).

Our comments follow in order of first mention (versus importance) in the revised Order Findings of Fact (FOF) (1st pp. 1-8) and revised Order Conditions of Approval (2nd pp. 1-12):

Amenities

- FOF #37(f)(v) & Condition 7 – 1st page 3 & 2nd page 3 – new playground equipment for Turkey Thicket – "subject to DPR approval" – what is the backup plan if DPR says "no"? Will the amenity dollars be increased proportionately for each of the other amenity components?
- FOF #37(f)(viii) (a) & (c) & Condition 6 (A) & (C) – 1st pp. 3-4 & 5 & 2nd page 2 – façade improvements and no-interest loans – why is there is no time limit for disbursements, e.g., why not add a requirement for funds to be expended within 5 years?
- FOF #37(f)(viii) (b) & (d) & Conditions 6 (B) & (D) – 1st pp. 4 & 5-6 & 2nd page 2 – Byte Back and Dance Place – please add a requirement for the 200-Footers Group to participate in any reprogramming of funds discussion pre-filing of any minor modification?

ZONING COMMISSION
 District of Columbia
 CASE NO. 10-28
 EXHIBIT NO. 331

- FOF #37(f)(viii) (b) & Condition 6 (B) – 1st page 4 & 2nd page 2 – Byte Back – why not require the Applicant to directly buy the 26 desktop computers, as is now customary in delivery of “hard” PUD amenities?

Transportation Demand Management

- FOF #37(d)(vii) & Condition 13 (B) – tenants’ move-ins and move-outs using trucks greater than 45 feet – as is the prohibition for retail (see FOF #37 (d) (xi) & Condition 13 (F)), why not prohibit tenants from using moving trucks greater than 45 feet? – large trucks will clearly have an adverse effect on the 200-Footer neighbors.

Construction Management Agreement (CMA)

- Conditions 14.A & 14.H.i) – 2nd pages 5 & 8 – allowed truck queuing up to 15 minutes – why not further limit queuing, e.g., to 5 minutes, since 15 minutes will clearly have an adverse effect on the 200-Footer neighbors?
- Condition 14.B & 14.H.i) – 2nd pages 5-6 & 8 – construction truck route – the 2 conditions appear inconsistent or may just be inartfully stated, with the former rightfully not requiring DDOT’s further approval and the latter seemingly requiring DDOT’s further approval (“as approved by DDOT”) – the allowable streets were previously agreed on by the Applicant and the 200-Footers Party and any change could adversely effect the 200-Footers.
- Condition 14.D.vi) – 2nd page 7 – disruption in utilities – please add a provision to ensure no cost to the 10th Street rowhouse owners.
- Condition 14.E – 2nd page 7 – hazardous waste – includes incorrect cross references – provisions #10 & #14 should be provision I.
- Condition 14.G – 2nd page 7 – cleanliness – includes an incorrect cross reference – provision #7 should be provision F.
- Condition 14.H – 2nd page 8 – work hours – the Applicant agreed during the Commission’s March 12, 2012 preliminary decision meeting to have no work hours on holidays; so, the last sentence should be revised to read, “No Sunday or holiday work hours will be utilized.”
- Condition 14.I – 2nd page 9 – Neighborhood Contact Person – the 200-Footers Party requested two (versus one) neighborhood contact persons, at least during the initial construction – one for the 9th Street rowhouses and one for 10th & Lawrence Streets – can a change please be made?
- Condition 14.I.ii) – 2nd page 9 – CMA modifications – “The Applicant further agrees to meet the 200 Footers should the exigencies of construction require modifications to any details specified herein” – the 200-Footers Party strongly requests removal of this new

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provision; if not, the 200-Footers Party asks that the Commission severely limit modifications to, at a minimum, not include Conditions A, B, C, D, H, K, N, and Q.

- Condition 14.N – 2nd page 11 – noise – the 200-Footers Party again requests a 60 db. level in both sentences (the 1st & the penultimate), as required in other communities' CMAs (e.g., Square 37 West End Library PUD, ZC No. 11-12) – why should Ward 5 residents have less protection than others in DC?

If any additional information is needed, Barbara Kahlow can be reached during the day on (202) 965-1083.

Sincerely,



Barbara F. Kahlow Carolyn C. Steptoe

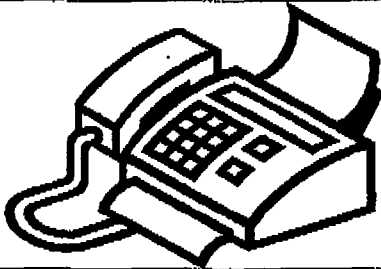
Cc Paul Tummonds for the Applicant

Steve Cochran, OP

Alan Bergstein, OAG

Janae Grant, ANC-5A Chair

Caroline Petti, BNCA President



A facsimile from

Barbara F. Kahlow
965-1083

To: Office of Zoning
Attn. Sharon Schellin
Fax number: 727-6072

Date: 4/9/2012
Pages: Cover + 3

Regarding: 200-Footers Group's Response to Applicant's BAFO - ZC No. 10-28
(901 Monroe Street, LLC, Square 3829)

Comments:

Please confirm receipt. Thank you. - Barbara

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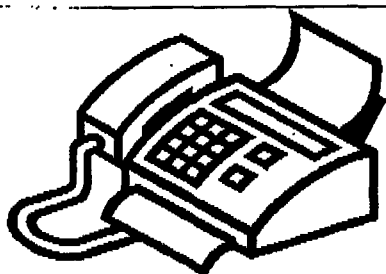
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